

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Michael Leal

Plaintiff(s)

v.

Felicia Bedel, ET AL.

Defendant(s)

Case No. 22-cv-00150

Judge Michael R. Barrett

JOINT DISCOVERY PLAN
(RULE 26(f) REPORT)
(REQUIRED FORM)

Now come all parties to this case, by and through their respective counsel, and hereby jointly submit to the Court this Joint Discovery Plan, pursuant to the Court's Trial Procedure Order. The parties conducted their discovery conference on 8/22/2022.

A. MAGISTRATE CONSENT

The Parties:

- ☐ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- ☐ do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- ☒ unanimously give contingent consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c), for trial purposes only, in the event that the District Judge assigned is unavailable on the date set for trial (e.g. because of other trial settings, civil or criminal).

B. RULE 26(a) DISCLOSURES

- ☐ The parties have exchanged pre-discovery disclosures required by Rule 26(a)(1).
- ☒ The parties will exchange such disclosures by 9/5/2022
- ☐ The parties are exempt from disclosures under Rule 26(a)(1)(E).

NOTE: Rule 26(a) disclosures are not to be filed with the Court.

C. DISCOVERY ISSUES AND DATES

1. Discovery will need to be conducted on the issues of
Claims and defenses

2. The parties recommend that discovery
 - ☐ need not be bifurcated
 - ☐ should be bifurcated between liability and damages
 - ☒ should be bifurcated between factual and expert
 - ☐ should be limited in some fashion or focused upon particular issues which relate to _____
3. Disclosure and report of Plaintiff(s) expert(s) by March 17, 2023
4. Disclosure and report of Defendant(s) expert(s) by March 17, 2023
5. Disclosure and report of rebuttal expert(s) by May 1, 2023
6. Disclosure of non-expert (fact) witnesses October 16, 2022
7. Discovery cutoff December 16, 2022

8. Anticipated discovery problems

☐ _____

☒ None

9. Describe the subjects on which discovery is to be sought and the nature, extent and scope of discovery that each party needs to: (1) make a settlement evaluation, (2) prepare for case dispositive motions, and (3) prepare for trial:

Comprehensive accounting of all statements in dispute (ongoing) extent of Plaintiff's
damages

10. Discovery of Electronically Stored Information. The parties have discussed disclosure, discovery, and preservation of electronically stored information, including the form or forms in which it should be produced.

 X Yes

 No

i. The parties have electronically stored information in the following formats:

Preserved social media posts, including videos.

ii. The case presents the following issues relating to disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced:

11. Claims of Privilege or Protection. The parties have discussed issues regarding the protection of information by a privilege or the work-product doctrine, including whether the parties agree to a procedure to assert these claims after production or have any other agreements under Fed. R. Evid. 502.

 X Yes

 No

i. The case presents the following issues relating to claims of privilege or of protection as trial preparation materials:

Confidential medical records and health information.

ii. Have the parties agreed on a procedure to assert such claims AFTER production?

 No

 X Yes

 Yes, and the parties ask that the Court include the following agreement in the scheduling order:

Privilege must be raised by party seeking to assert the privilege.

D. LIMITATIONS ON DISCOVERY

1. Changes in the limitations on discovery

- ☐ Extension of time limitations (currently one day of seven hours) in taking of depositions to _____.
- ☐ Extension of number of depositions (currently 10) permitted to _____.
- ☐ Extension of number of interrogatories (currently 25) to _____.
- ☐ Other: _____.
- ☒ None

E. PROTECTIVE ORDER

- ☒ A protective order will likely be submitted to the Court on or before 9/23/2022.
- ☐ The parties currently do not anticipate the need for a protective order. If the parties subsequently deem that one is necessary, they will submit a joint proposed order to the Court. Such order will be in compliance with *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F. 3d 219 (6th Cir. 1996).

F. SETTLEMENT

A settlement demand _____ has X has not been made.

A response _____ has _____ has not been made.

A demand can be made by TBD

A response can be made by _____

G. MOTION DEADLINES

1. Motion to amend the pleadings and/or add parties by _____
2. Motions relative to the pleadings by _____
3. Dispositive motions by 1/31/2023

H. OTHER MATTERS PERTINENT TO MANAGEMENT OF THIS LITIGATION

N/A

Signatures:



Attorney for Plaintiff(s)

Michael Pelagalli

/s/ Brian Douglas Bardwell

Attorney for Defendant(s)

(by s/ Micheal Pelagalli

per email authorization)
